

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA  
INDIANS OF THE BAD RIVER  
RESERVATION,

Case No. 19-cv-602-wmc

Plaintiff and Counter-Defendant,

v.

ENBRIDGE ENERGY COMPANY, INC.,  
and ENBRIDGE ENERGY, L.P.,

Defendants and Counter-Claimants,

v.

NAOMI TILLISON,

Counter-Defendant.

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AMENDED FINAL JUDGMENT IN A CIVIL CASE

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IT IS ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation ("the Band") on: its trespass, unjust enrichment, and federal public nuisance claims; defendants' counterclaims for breach of contract and breach of a duty of good faith and fair dealing; and defendants' counterclaims for declaratory and injunctive relief against the Band and counter-defendant Naomi Tillison.

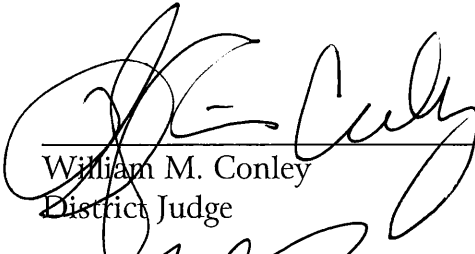
IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of defendants Enbridge Energy Company, Inc., and Enbridge Energy, L.P., and against the

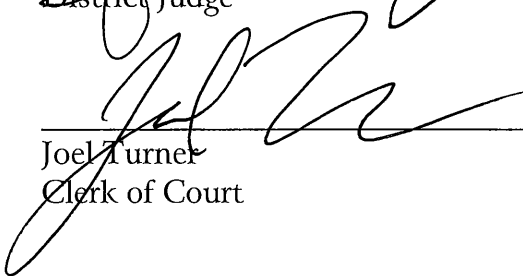
Band on the Band's Wisconsin public nuisance claim, its regulatory authority claim, and its ejectment claim.

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered permanently enjoining defendants Enbridge Energy Company, Inc., and Enbridge Energy, L.P. as follows:

1. Defendants shall adopt and implement their December 2022 monitoring and shutdown plan in full, incorporating the court's modifications set forth in its June 16, 2023 order, on or before Wednesday, July 5, 2023.
2. Defendants shall disgorge \$5,151,668 to the Band for defendants' past trespass on the Band's 12, former allotment parcels in which the Band has full or fractional ownership.
3. Defendants shall continue disgorging profits to the Band on a quarterly basis according to the formula set forth in the court's June 16, 2023 order so long as Line 5 operates in trespass of the 12, former allotment parcels.
4. Defendants shall cease operation of Line 5 on any parcel within the Band's tribal territory on which defendants lack a valid right of way on or before June 16, 2026, and thereafter arrange prompt, reasonable remediation at those sites.

Approved as to form this 29<sup>th</sup> day of June, 2023.

  
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William M. Conley  
District Judge

  
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Joel Turner  
Clerk of Court

June 29, 2023  
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Date